

**Proskauer**

Proskauer Rose LLP One International Place Boston, MA 02110-2800

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/20/12

April 19, 2012

By Facsimile: 212-805-7901

Hon. Harold Baer, Jr.  
U.S. District Judge  
U.S. District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007

Mark W. Batten  
Member of the Firm  
d 617.526.9650  
f 617.526.9899  
mbatten@proskauer.com  
www.proskauer.com

Re: **Wang v. Hearst Corp., 12 Civ. 00793 (HB)**

Dear Judge Baer:

Last Thursday, the Court granted plaintiffs thirty days to review documents and take two depositions, of Hearst's Human Resources declarants. Plaintiffs' complaint, just four business days into that period, that discovery is not proceeding quickly enough, does not require judicial intervention.

Plaintiffs have said that they do not want to take the proffered depositions until they have reviewed documents, so Hearst has focused its efforts on locating and producing those materials. So far Hearst has identified 1,210 potentially responsive documents from its Human Resources department, which range from a few to 500 pages each, and which must be reviewed for relevance and appropriate redactions. We are working on that project as quickly as we can. Yesterday a team of nine worked until midnight reviewing these HR documents, and another team of lawyers and paralegals is simultaneously collecting potentially responsive documents from the 19 magazines involved. We expect to be able to begin production to the plaintiffs on a rolling basis tomorrow.

Plaintiffs' proposal that all documents be produced by tomorrow is simply unrealistic. Apart from the HR documents that are nearly ready for production, Hearst also must collect documents from the 19 magazines, and at each magazine there are generally 10-15 employees, and sometimes more, who may have relevant documents in their custody. We expect to complete the process of contacting those employees tomorrow, but will need time to review and produce those documents.

If the Court is inclined to set further deadlines, we propose that document discovery be completed by next Friday, April 27, and that the depositions be scheduled for the week of April

**Proskauer**

Hon. Harold Baer, Jr.

April 19, 2012

Page 2

30. That will permit discovery to be concluded within the thirty-day period set by the Court – with a week to spare.

Respectfully submitted,

*Mark W. Batten*  
Mark W. Batten

cc: Rachel Bien, Esq.  
Jonathan Donnellan, Esq.

*4/19/12*  
*On first I have two letters would*  
*pleads - I expect to come from different*  
*as the preliminary discovery today for the completion date*  
*production date to April 27 - for the 27th*  
*will have reached agreement on date for the 2*  
*depositions or will inform the Court and I*  
*will set the date in a short order*

*SO ORDERED*  
*Harold Baer Jr*  
*USD*

Endorsement:

These two letters would on first blush appear to come from different plants - I'll extend the completion date of the preliminary discovery 10 days and the document production date to April 27 - by the 27<sup>th</sup> defendants will have reached agreement on dates for the two depositions or will inform the Court and I will set the date in a short order.